



Reprinted  
February 13, 2001

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## HOUSE BILL No. 1395

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DIGEST OF HB 395 (Updated February 12, 2001 3:47 PM - DI 75)

**Citations Affected:** IC 5-22.

**Synopsis:** Government purchasing. Provides that if an offeror offers to furnish supplies made in a country other than the United States, a governmental body may not award a contract to the offeror for those supplies if the supplies were made using forced labor. Provides that a solicitation by a state or local governmental entity for the purchase of supplies must require that if any steel products are used in the manufacture of the supplies, the steel products must be manufactured in the United States. Provides that a solicitation by a state or local governmental entity for the purchase of services must require that if any steel products are used in the manufacture of the supplies used in the performance of the contract, those steel products must be manufactured in the United States. Establishes circumstances under which these requirements may be waived. Provides that an Indiana taxpayer has standing to challenge a determination to waive the requirement or to enforce a contract that contains the requirement.

**Effective:** July 1, 2001.

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### Atterholt, Liggett, Lawson L, Buck

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January 11, 2001, read first time and referred to Committee on Labor and Employment.  
February 5, 2001, reported — Do Pass.  
February 12, 2001, read second time, amended, ordered engrossed.

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HB 1395—LS 6773/DI 75+



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February 13, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1395

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-22-15-24 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]: **Sec. 24. (a) As used in this section, "forced labor" has the**  
4 **meaning set forth in 19 U.S.C. 1307.**

5 **(b) If an offeror offers to furnish supplies made in a country**  
6 **other than the United States, a governmental body may not award**  
7 **a contract to the offeror for those supplies if the supplies were**  
8 **made using forced labor.**

9 **(c) A governmental body shall inform offerors in the solicitation**  
10 **of the provisions of this section.**

11 SECTION 2. IC 5-22-15-25 IS ADDED TO THE INDIANA CODE  
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
13 1, 2001]: **Sec. 25. (a) As used in this section, "steel products" means**  
14 **products rolled, formed, shaped, drawn, extruded, forged, cast,**  
15 **fabricated, or otherwise similarly processed, or processed by a**  
16 **combination of two (2) or more such operations, by the open**  
17 **hearth, basic oxygen, electric furnace, Bessemer, or other steel**

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making process.

(b) As used in this section, "United States" includes all territory, continental or insular, subject to the jurisdiction of the United States.

(c) Unless the head of the purchasing agency makes a written determination described in subsection (d), a solicitation must require that if any steel products are used in:

(1) the manufacture of the supplies required under the contract; or

(2) supplies used in the performance of the services under the contract by the contractor or a subcontractor of the contractor;

the steel products must be manufactured in the United States.

(d) Subsection (c) does not apply if the head of the purchasing agency determines in writing that both of the following apply:

(1) The cost of the contract with the requirements of subsection (c) would be greater than one hundred fifteen percent (115%) of the cost of the contract without the requirements of subsection (c).

(2) Failure to impose the requirements of subsection (c) would not in any way:

(A) harm the business of a facility that manufactures steel products in Indiana; or

(B) result in the reduction of employment or wages and benefits of employees of a facility described in clause (A).

(e) A purchasing agency shall inform offerors in the solicitation of the provisions of this section.

SECTION 3. IC 5-22-17-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 14. A contract awarded under this article must include the requirements of IC 5-22-15-25(c) unless the head of the purchasing agency makes a determination under IC 5-22-15-25(d).**

SECTION 4. IC 5-22-19-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5. An Indiana taxpayer has standing to do either of the following:**

(1) Challenge a determination made under IC 5-22-15-25(d).

(2) Enforce a contract provision required by IC 5-22-17-14.



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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1395, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LIGGETT, Chair

Committee Vote: yeas 10, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1395 be amended to read as follows:

Page 1, after line 10, begin a new paragraph and insert:

"SECTION 2. IC 5-22-15-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 25. (a) As used in this section, "steel products" means products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated, or otherwise similarly processed, or processed by a combination of two (2) or more such operations, by the open hearth, basic oxygen, electric furnace, Bessemer, or other steel making process.**

**(b) As used in this section, "United States" includes all territory, continental or insular, subject to the jurisdiction of the United States.**

**(c) Unless the head of the purchasing agency makes a written determination described in subsection (d), a solicitation must require that if any steel products are used in:**

- (1) the manufacture of the supplies required under the contract; or**
- (2) supplies used in the performance of the services under the contract by the contractor or a subcontractor of the contractor;**

**the steel products must be manufactured in the United States.**

**(d) Subsection (c) does not apply if the head of the purchasing agency determines in writing that both of the following apply:**

- (1) The cost of the contract with the requirements of subsection (c) would be greater than one hundred fifteen percent (115%) of the cost of the contract without the requirements of subsection (c).**
- (2) Failure to impose the requirements of subsection (c) would not in any way:**
  - (A) harm the business of a facility that manufactures steel products in Indiana; or**
  - (B) result in the reduction of employment or wages and benefits of employees of a facility described in clause (A).**

**(e) A purchasing agency shall inform offerors in the solicitation of the provisions of this section.**

SECTION 3. IC 5-22-17-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 14. A contract awarded under this article must include the requirements of IC 5-22-15-25(c) unless the head of the**

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**purchasing agency makes a determination under IC 5-22-15-25(d).**

SECTION 4. IC 5-22-19-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5. An Indiana taxpayer has standing to do either of the following:**

**(1) Challenge a determination made under IC 5-22-15-25(d).**

**(2) Enforce a contract provision required by IC 5-22-17-14."**

(Reference is to HB 1395 as printed February 6, 2001.)

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